

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DEKENYA NELSON

v.

OFFICER SILVA

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C.A. NO. C-07-145

ORDER

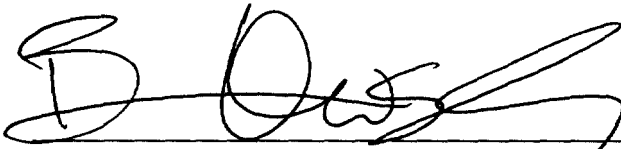
This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C. § 1983. Proceeding pro se, plaintiff filed his complaint in this action on March 21, 2007 in the Sherman Division of the Eastern District of Texas. (D.E. 1). Unfortunately, due to a clerical error in the Sherman Division Clerk's Office, plaintiff's last name was listed incorrectly as "Wilson" instead of "Nelson."

On March 22, 2007, this action was transferred to the Corpus Christi Division of the Southern District of Texas. (D.E. 3). On March 28, 2007, a notice of deficient pleading was sent to plaintiff. (D.E. 6). The notice informed him that he must either pay the \$350.00 filing fee, or file a complete application for leave to proceed in forma pauperis with a copy of his inmate trust fund account statement. Id. It further informed him that he had twenty days to cure the deficiency. Id. On May 14, 2007, a memorandum and recommendation was issued, recommending that this action be dismissed due to plaintiff's failure to prosecute his claim. (D.E. 8).

To date, plaintiff has not yet paid the \$350.00 filing fee, or completed an application to proceed in forma pauperis with a copy of his inmate trust fund account statement. Accordingly, it is ORDERED that plaintiff shall, within **twenty (20) days** of the entry of this order, either pay the filing fee or file a motion to proceed in forma pauperis.

It is further ORDERED that the May 14, 2007 memorandum and recommendation is VACATED. Finally, the Clerk is ORDERED to provide plaintiff with a copy of the March 22, 2007 Order Of Transfer.

ORDERED this 13th day of June 2007.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE